

**Minutes
State Board of Education
Monday, November 17, 2003**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting began at approximately 9:05AM.

Members Present

Ms. Nadine Mathis-Basha, President
Dr. Matthew Diethelm, Vice president
Ms. Armida Bittner
Dr. Michael Crow
Ms. Joanne Hilde
Superintendent Tom Horne
Ms. Catherine Kasper (Participated in Item G, General Session only by telephone)
Dr. John Pedicone

Members Absent

Ms. Conkie Hoover

Board Business

Pledge of Allegiance, moment of silence and roll call

Minutes for State Board of Education meetings September 29, 2003 and October 27, 2003 and Executive Session held September 29, 2003.

Move to approve September, October and Executive Session Minutes by Dr. Diethelm. Dr. Pedicone seconded. *Motion carried.*

President's Report

Ms. Basha, Dr. Diethelm and Superintendent Horne attended the Arizona Educational Foundation's Teacher of the Year. It was a wonderful opportunity to be reminded of what talented teachers we have. The present Teacher of the Year is Jane Robertson of Abia Judd Elementary School in Prescott, Arizona, who is a first and second grade teacher and has taught for 21 years. In addition, Ms. Basha thanked Wells Fargo, the Arizona Republic, Intel and other sponsors of this event and partners within the community.

Ms. Basha received a very nice letter from Dee Puff, Director of Curriculum, Palomas Elementary School District, who had particular praise for department personnel including Ron Cariveau, Charlie Bruen and Kathy Kay for their assistance with the work the school is doing.

Ms. Basha requested that discussion of the NAEP scores be placed on the next State Board of Education meeting agenda. In light of the fact that our scores are low this report will be worth a discussion and explanation to this body particularly as we are looking at embedded AIMS and norm referenced testing in general. Ms. Basha reminded members to be sure to take the folder supplied to them containing information regarding NAEP.

Superintendent's Report

A presentation is planned for January, in view of the fact that we are high on the NRT and not high on the NAEP, to begin a discussion with the Board about revising standards so that the schools teach at the same level the NAEP tests.

Note: Superintendent Horne reminded members that Dr. Crow would leave briefly for a meeting and then return. He therefore recommended that without objection, the agenda items be discussed out of

the originally posted order to facilitate discussion and comments from the audience.

Superintendent's Report (continued)- Superintendent reviewed his legislative agenda.

- *Proposal with respect to compliance* passed the House last year, did not pass the Senate Committee, but hopeful it will pass this year. The proposal gives this Board the ability to withhold funds from a school found to be out of compliance with any area of Title 15. At this time this Board has that authority with respect to anything financial but not for any other items.
- *Mandatory Character Education*: The statute already has a permissive Character Education provision that is quite broad and allows the schools to do their own program as long as some universal values are covered. A free program would be made available to the schools from the Department so it wouldn't be an unfunded mandate. That proposal, in the revised form, also passed the House last year but did not get a hearing in the Senate.
- *Expand the definition of the measure of academic progress*: Currently it is defined as the number of students that make at least one year's progress. Propose to expand and add some depth to the measure of academic progress made by the student, measuring by scale scores, thereby giving schools more credit for students who make more than one year's growth.
- *Tax credit expansion*: Currently the private school tax credit is for any purpose, but the public school tax credit can be used for extra curricular activities only. Propose expanding the public school credit to allow it to be used for academics.
- *Reciprocity*: At a minimum, we want to eliminate the requirement that we measure the extent to which our test matches other tests since that is sufficiently burdensome. Other considerations include whether we should allow people who are certified to teach in other states to come to Arizona, adopting the tests used in other states and setting our own cut score making it possible to immediately recognize teachers who have been certified in other states based upon the tests they took in the other state. These options are being considered by a task force directed by Kathy Wiebke, AAD Deputy Associate Superintendent.
- *State takeover*: Next October this Board will consider whether or not we are going to have state intervention in schools that are failing and not making sufficient progress. If that is done, there are other statutes that need to be changed to conform to the statute that was passed initially.
- *Rulemaking*: We will talk with the Attorney General's Office and other agencies about the possibility of a united front, in an effort to allow rules to take effect temporarily until the Attorney General rules on them.
- *Other items from Superintendent Horne* (5 items) have been circulated in writing, are sufficiently minor and do not need to be reviewed individually.

Board Member Reports

Dr. Diethelm attended an Arizona State University organized forum on dropouts on November 6 and 7. Dr. Diethelm gave credit to ASU Vice President and Dean Eugene Garcia for organizing a forum where excellent statewide presentations were given on this issue. A summary report will be available in a few weeks.

The National Association of State Boards of Education (NASBE) does a variety of research study groups and Dr. Diethelm has volunteered to participate in one entitled "Closing the Achievement Gap" which is based on previous research sponsored by NASBE. This involvement will require some east coast meetings, and recognizing the budget issues, Dr. Diethelm will fund these trips personally.

Ms. Bittner gave an overview of a meeting at Northern Arizona University where Secretary Paige spoke two weeks ago. The meeting was well done, well attended, and Secretary Paige gave an

outline of No Child Left Behind (NCLB). Mr. Horne and Congressman Renzi also attended and had to answer some tough questions.

Director's Report, Including discussion and possible legal action

Ms. Farley gave an update on the Board-approved request to the legislature for an additional investigator, which has been forwarded staff, in working with the Attorney General's office, has identified several things that are prohibitive:

- 1) Time frames for re-applications. Individuals who are denied certification, have a certificate revoked or surrender certificates, can currently reapply immediately. We then provide a hearing, bring the case back to the PPAC, and back to the State Board with no new evidence to present. The goal is to work with AEA and draft legislation to include appropriate timeframes as previously existed in Board Rule. If there is new evidence to consider, the ability to come forward and apply for certification will be provided.
- 2) Alternative methods of delivering notices to individuals. Right now we must send documentation by certified mail, notices of hearing and official notices. In several cases, all notices up to the notice of hearing have been accepted and then the notice of hearing is not accepted. These individuals maintain a valid certificate until we can track them down. We hire process servers but they are not always successful. We therefore have people with valid certificates that are under investigation, are awaiting a hearing and we are unable to serve proper notice and proceed with disciplinary action. We are looking at other regulatory agencies' methods.
- 3) The unprofessional conduct rules relate to inappropriate contact, relationships, letter writing, etc., that allow us to take disciplinary action but aren't considered criminal offenses at this time. There has been an increase in our caseload in this area and we'd like to work with the County Attorney's Office as to whether or not this should be a criminal offense similar. There is precedent for this related to when a corrections officer corresponds with inmates.

Ms. Farley asked for authorization from the SBE to work on these issues with the AEA and other stakeholders, prepare draft legislation, and bring that legislation to the January meeting for approval.

Dr. Pedicone appreciates this effort in getting measures in place where the Board can be assertive and aggressive in taking appropriate disciplinary action. He also suggested that Arizona School Administrators (ASA) and the Arizona School Personnel Association, (ASPA) have a lot of experience in this area and should be contacted.

President Basha confirmed there were no objections to moving forward – none raised.

Ms. Farley introduced Ms. Betty Flaming, Administrative Assistant for the State Board of Education.

Consent Items

- A. Consideration to Approve Contract Abstracts
- B. Consideration to Accept Funds From the Office of Innovative and Exemplary Programs and Authorize Expenditures in Accordance With the Terms of the Award
- C. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individual:
Robert Harthoorn, Case #C-2003-06-03
- D. Consideration to Accept the Voluntary Surrender of Certificates for the Following Certification Case:
Fritz A. Hardt, Case #C-2003-078

- E. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve the Negotiated Settlement for the Following Individual:
Geoffrey Goorin, Case #C-2003-046

Motion to approve the consent agenda by Dr. Diethelm. Motion seconded by Ms. Bittner. No discussion. *Motion carried.* Consent agenda approved as presented.

Special Presentation of 2004 Legislative agendas by education organizations (See handouts for detailed information)

- A. Arizona Education Association, Mr. John Wright
- B. Arizona School Administrators, Mr. Mike Smith
- C. Arizona School Business Officials, Mr. Chuck Essigs
- D. Arizona School Boards Association, Ms. Janice Palmer
- E. Arizona Parent Teacher Association, Ms. Lucy Ranus. (no handout was given)

The Arizona PTA is the largest grass roots organization in the state with the sole goal of working for the safety, health, education and welfare of children and youth. Their legislative platform is based on resolutions and position statements that are presented, debated, and proposed at their annual convention. This gives the Arizona PTA authority to go to the legislature and other governing bodies to lobby on behalf of children. The platform includes three general areas: education, health and safety, and parent involvement, supporting initiatives and legislation that maintain increased funding for public education, “Five Cents Makes Sense for Education”, and child-related programs such as Students First. The PTA opposes policies that restrict the availability of such funding, supports the use of public funds for public schools and opposes vouchers. The PTA also supports funding to schools to emphasize K-3 classes. They will also be very active in supporting legislation in the area of health and safety at both the local and state level for helmet use, child-related programs such as violence prevention, after school funding and child health, and initiatives and legislation that include actual parent involvement language.

- F. Arizona Charter School Association (no presentation from this organization)
- G. Arizona Business Education Coalition, Susan Carlson

Call to the Public

No requests to speak were submitted.

General Session

- A. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny Certification for the Following Individuals:

1. Jennifer Jeong, Case #C-2002-092

Mr. Craig Emanuel, Chief Investigator for the State Board of Education, read the background information regarding Ms. Jeong that was presented to the State Board of Education, asking that the Board accept the recommendation of the PPAC and deny Jennifer Jeong’s application for certification.

Mr. Holder, attorney for Ms. Jeong, gave background information regarding Ms. Jeong’s experiences since to the incident in question. He also stated that Ms. Jeong admits to the actions described, but that no alcohol was purchased or consumed when she was with the student. Mr. Holder stated that while Ms. Jeong’s actions were foolish in retrospect, they were the result of inexperience and naïveté on her part and that Ms. Jeong did not seek out the student, but the student was referred to her by a senior teacher at the high school. Included in the materials packet was a police report, but no civil or criminal action was taken. The statute of limitations is expired.

Mr. Holder suggested that an appropriate action would be to place a letter of censure in Ms. Joeng’s file for the following reasons:

- 1) Ms. Joeng has already, in effect, served a one year suspension having been unemployed for the last year;
- 2) Her deep remorse for the action, her candor with the committee, her good letters of recommendation as well as the fact that she is continuing her education toward a Master's degree showing her commitment to this profession; and,
- 3) Ms. Joeng has offers of employment but is unable to accept them because of her lack of a certificate at this time.

Mr. Holder stated that a letter of censure could raise the red flag the Board may be seeking for employers to be alerted to, to hiring Ms. Jeong.

Ms. Jeong read a statement to the Board reiterating the information included in the packet. She stated that she has always helped people who are less fortunate. She reviewed the unprofessional conduct she is being accused as:

- 1) Stopping off at an establishment with a student where alcohol and food are served in the year 2001-2002;
- 2) Ms. Jeong stated this occurred after the student nagged her to take her to this place where alcohol and food are served. At that time, Ms. Jeong said only if they allowed a tour. Ms. Jeong realizes now that this was wrong, but the establishment did allow a tour. Ms. Jeong stated that the mother had planned to witness Ms. Jeong and the student going into the establishment and feels the mother set her up. Ms. Jeong states that she did not expect the student to kiss her and when that happened, she took the student straight home.

Ms. Jeong stated that not notifying Child Protective Services with a child abuse situation was her inexperience, she was three months out of college and did not know the procedure, however she did let a colleague know. Ms. Jeong stated that as is School Board policy, she is prohibited from being in an establishment where alcohol is served when students are present, but she was also verbally told by the Superintendent that whatever she did on her own time is her own business. She also stated that with some embarrassment during that evening the Superintendent had asked her out and she said no. Ms. Jeong stated that for the past two years she has not been able to teach, has been working on her Master's, and a class she is taking is helping her identify the fine line that you can't be a teacher, counselor and a friend. Teachers are there to educate and are not trained to be counselors and that is what she tried to do. Ms. Jeong takes responsibility for her actions and is deeply embarrassed, apologizes to the State Board of Education for her poor judgment and asks to be given a second chance.

Ms. Farley clarified that this is a review of initial certification so the Board can either accept or deny her certification at this time. If the Board chooses the direction of Mr. Holder, a letter of censure or any other actions of suspension, this would necessitate taking action on an expired certificate through a separate hearing of the PPAC and a new recommendation to this Board. At this time, the issues before the Board is to approve or deny her certification for application. Should the Board take other options, direction could be given to staff to proceed as it would have additional public notice requirements with a PPAC hearing. It was noted that Ms. Jeong's previous certificate was an emergency certificate. Ms. Pollock, Assistant Attorney General, addressed the Board to clarify the options before them.

Motion by Dr. Pedicone to accept the recommendation of the PPAC and deny certification. Motion was seconded by Dr. Diethelm. Motion did not pass. Another motion was made by Dr. Diethelm to table the issue until the January meeting with direction to the staff and the associated parties to discuss a settlement that would include a letter of censure and some form of a couple years of probationary supervision. Motion seconded by Ms. Hilde. *Motion carries.*

2. Mary Louise Zordan, Case #C-02-03-05

Ms. Farley informed the Board that Ms. Zordan requested that her case be withdrawn from this month's agenda as she seeks legal counsel and that it be placed on the January agenda. Staff recommends that we allow her time to do that. Without objection from the Board, this agenda item will be moved to January 2004 meeting.

President Basha recognized the newly appointed board member, Ms. Joanne Kramer, who is a Reading Coach at Casa Grande School District. Ms. Kramer will be taking the Teacher Representative position on the Board in January as Ms. Kasper has completed her term.

In addition, the Board agreed to work through lunch given the length of the agenda and to accommodate other presenters' schedules by changing the order of some of the presentations on today's agenda.

B. Presentation and Discussion of the Draft English Language Learner Proficiency Standards. Ms. Irene Moreno, Deputy Associate Superintendent of English Acquisition Services presented the feedback from their statewide forums and the revised version of the Standards to the Board. These revisions will be taken back to the same stakeholders, beginning December 10, going through the same process again, with the goal of presenting a final draft for acceptance by the Board at a later meeting. Ms. Moreno will include feedback from Elizabeth Judd, US DOE, and the bilingual consortium.

Ms. Basha commended them for the amount of work completed in a short amount of time.

Ms. Bittner asked how the bilingual consortium was involved, for further clarification regarding the ELL Proficiency Standards belief statement and whether the ELL 1 classifications are appropriate to grade level or age level. Ms. Bittner feels they are doing an excellent job of getting stakeholders involved. *No action required.*

C. Presentation and Discussion of the School Effectiveness Division and the School Improvement Process and Consideration to Approve the Criteria for the Arizona Academic Standards Technicians Selected to be Members of the Solutions Teams.

Ms. Phyllis Schwartz, Associate Superintendent of School Effectiveness, Arizona Department of Education, presented the first of many reports as they roll out this process for not only continuous support of schools but also through the school improvement section and Solutions Team. This is part of Superintendent Horne's vision to assist schools prior to addressing accountability requirements and is in response to statutory requirements that ADE provide technical assistance to schools performing below proficiency. The Solutions Team is building capacity at this time to provide assistance utilizing:

- 1) Marie Mancuso, Deputy Associate Superintendent for Standards Based Teaching and Learning
 - i. Standards Implementation
 - ii. AZ Reads and Reading First
- 2) Cheryl Lebo, Deputy Associate Superintendent for Best Practices
- 3) Dale Parcell, Deputy Associate Superintendent for School Improvement

Mr. Parcell presented the status of the Solutions Team program, described the process to be used, its philosophy, and their determination to have as trainers, persons already with ADE from various divisions within the Department of Education to ease the load of the ADE. Last Friday a group of approximately 50 superintendents, principals, teachers, and others not currently in district positions came to a meeting where the training material and a prototype of the training was shared. The Solutions Team received feedback on how those materials could be improved and modified and are moving forward with that now in three areas of expertise:

- 1) Master Teacher

- 2) Curriculum and Assessment
- 3) Fiscal Analysis

The recommendation, based on statutory requirements, is to certify Solutions Team members and leaders as academic standards technicians.

Discussion ensued regarding clarification of Master Teacher attributes, good stewardship of taxpayer funds by utilizing ADE personnel, the possibility that a teacher may serve on this team if they demonstrate leadership even though they are coming from an underperforming school, and the fact that it is the culture of the school that has to be assessed. The rubric that has been developed as a basis for the structure for the visits has the following components:

- 1) School and district leadership,
- 2) Curriculum, Instruction and Professional Development,
- 3) Assessment, and
- 4) School culture, climate, communication
 - a. Parental involvement
 - b. Discipline
 - c. Attendance

Dr. Pedicone made the motion by reading from the overview: Request that the State Board of Education approve the department's plan, pursuant to A.R.S. §15-241, for developing and implementing fully the processes and outcomes contemplated for AZ LEARNS Solutions Team administration and operation. This request for approval also extends to the department's plan to enact a credentials-based certification process that results in awards of Arizona Academic Standards Technician Certificates. Ms. Bittner seconded the motion. *Motion carries.*

Brief break at 1:20 PM for members to get lunch; meeting reconvened at 1:35PM

D. Presentation and Discussion of Final AZ LEARNS Designations, Including Outcomes of the Appeals Process.

Mr. Garrett Holm, Policy Analyst for the Research Standards and Accountability Division of the Arizona Department of Education, presented statistical information regarding the rankings of Arizona's schools, referring to the written materials provided. Mr. Holm expressed appreciation from Dr. Laczko-Kerr to all members who served on the Appeals Committee. Ms. Hilde expressed a commendation to the department for meeting the timeline that was originally set forth. *No action necessary.*

E. Consideration to Determine Non-Compliance with The Uniform System of Financial Records (USFR) Pursuant to A.R.S. §15-272 and Consideration to Withhold State Funds From Kayenta Unified School District.

Ms. Epstein, Assistant Attorney General, presented the item for consideration regarding Kayenta USD's non-compliance with Uniform System of Financial Records (USFR). Ms. Epstein reiterated the chronology of events, beginning with a letter from the Auditor General's office dated January 31, 2003, which notified the school district of various deficiencies.

Because of the district's ongoing deficiencies and failure to comply with the requests from their own auditor as well as the Auditor General, Ms. Epstein recommended that the Board determine the District to be out of compliance with the USFR and withhold 10% of funds until such time as there is compliance with the USFR.

Mr. William Allsbrooks, Superintendent, Kayenta Unified School District, stated the district has no qualm regarding the district's being out of compliance and that the district has consulted Mr. Crystal Korpan, lead auditor. Mr. Allsbrooks explained the process the district has been working through the report to correct and/or gather information requested, adding that additional information was requested for prior years due to the fact that not enough items were found to sample for an audit

without going back prior to the date of the 90-day letter. The district office burned in 1995 and many of the records were destroyed in the fire. The district has created a new position for general fixed assets to assist in this process as they re-construct prior years. They also will be putting out an RFP on Friday to hire an auditing firm. Mr. Allsbrooks asked for the Board's understanding while the district works hard to get the work completed. Ms. Elsie Benally, CPA, is the district's Business Manager who is assisting in this process. Dr. Allsbrooks expects to have the report completed within eight weeks. The Board asked when the Auditor General could perform a follow up visit? The Auditor General's Office stated it would take about four months. If the review can be completed in February, the Auditor General's report could be available to the Board by June.

Dr. Diethelm made a motion that the Board determines Kayenta USD out of compliance with the USFR and moved to direct the Superintendent of Public Instruction to withhold 10% of state funds until the Auditor General reports that Kayenta is in compliance with USFR. Motion seconded by Dr. Pedicone. *Motion passes.*

Dr. Diethelm made a motion that the Board urges the Auditor General to perform the appropriate audit as soon as possible after the Kayenta USD informs the Auditor General that the district is in compliance with USFR. Motion seconded by Ms. Hilde. *Motion carries.*

F. Presentation, Discussion and Consideration to Approve A Settlement Agreement with C.I. Wilson Academy Charter School.

Dr. Crow reiterated the decisions and requirements made at the last Board meeting that C. I. Wilson schools be put on special status to remedy a number of issues associated with its performance. An agreement has been reached, in principle, except for some minor timing issues, making the sign off deadline on this agreement the 21st of this month. Dr. Crow reminded the Board that failure to secure the sign-off by the 21st of this month or failure to comply with any of the terms of this agreement by C. I. Wilson would lead Dr. Crow to come back to this Board with a recommendation to begin the process for revoking the charter. This is step two versus step four. Dr. Crow made the motion that the Board accept the terms of the consent agreement as drafted between counsel, staff and C. I. Wilson schools with the modified timeframes proposed by C. I. Wilson, with the one exception of consolidating the schools under a single charter for which the date shall not be changed. The consolidation shall occur no later than March 2004. If the Board directs, staff and legal counsel may finalize the remaining technical issues with Mr. Wilson and engage and sign an authorized agreement by the end of this week, November 22, 2003. Motion seconded by Dr. Diethelm.

Dr. Pedicone asked if documentation had been received from C. I. Wilson Schools by the 15th, to which Dr. Crow replied that we have been in negotiations with them for a period in excess of that so they have been compliant in the sense of working with us. As to whether or not we have every detail worked out, the answer is no, but sufficient agreement in principle.

Dr. Pedicone questioned the audit regarding the termination of a certain amount of money and whether that is a protest at this point and what the resolution is. Ms. Epstein responded that this is part of a separate process, which they felt was appropriate to address in this agreement because it deals with the same types of administrative concerns but is a result of an audit conducted by the Arizona Department of Education School Audit Division. They assessed an overpayment and C. I. Wilson has the opportunity to appeal, which they have done. There will be an informal settlement conference tomorrow. This agreement requires them to submit to us no later than December 1 documentation as to why they contest the findings of the Arizona Department of Education. They have not contested that they did not follow the appropriate reporting processes. The issue is the amount of money owed to the state.

Ms. Hilde asked if we had received the report that was due October 24, and Ms. Farley confirmed that it was received, is at the Charter Board, and will be included in the overall financial requirements as we try to move forward putting parameters on agreeable error rates.

Dr. Crow reminded the Board, before taking the vote, that upon their signature, sign-off is at the end

of this week, and lacking sign-off for whatever reason, we move to the other pathway. Non-compliance for any reason leads to an automatic vote relative to revocation of charter.

Ms. Farley added that a meeting with Mr. Wilson and his staff was held last Monday to review the agreement. A set of recommendations were made and incorporated and a final document was submitted to them by close of business on Wednesday. On Saturday evening responses were received from Mr. Wilson's attorney, which causes clarification in Dr. Crow's motion to suggest that staff and legal counsel will take care of some of the technical issues and that the time frame adjustments could occur with the specifications that are included in the motion. Those are the two areas where we would enter into finalizing this agreement no later than Friday.

Mr. Wilson expressed his thanks to the Board for working with them; to Dr. Crow and the site visit team. He stated the input has helped to give a better picture of where they are and they are committed to comply with the consent items and also to have the agreement signed. He asked that as the mandate is for them to sign by Friday, November 21st, is everything on him to agree or not. Mr. Wilson asked if it were possible for some charter school experts to sit with them to make sure they get this done and out of the way.

Dr. Crow said whatever technical assistance they might need between now and Friday they should utilize in addition to working with staff or Mariko Silver from his office if necessary.

No further discussion. *Motion carries.*

G. Presentation, Discussion and Consideration to Approve A Proposed Testing Policy Regarding State-Mandated Testing and Issuance of a Request For Proposal (RFP).

Dr. Ron Carriveau, Associate Superintendent of Assessment in the Research Standards and Accountability Division and Mr. Garrett Holm, Policy Analyst for the Research Standards and Accountability Division of the Arizona Department of Education, presented the core issues regarding the Superintendent's Norm Referenced Embedded AIMS Proposal. Mr. Holm began the presentation from his perspectives:

- 1) As a Policy Analyst,
- 2) As a former educator and teacher in Arizona's public schools, and
- 3) As a parent of two young children.

Arizona wants the best test to yield information to understand our students' academic achievement in terms of their strengths and what we can encourage in their weaknesses. Mr. Holm is certain the Norm Referenced Embedded AIMS Proposal will address these needs. To frame the issues surrounding the topic, there are three core issues:

- 1) Law,
- 2) No Child Left Behind, and
- 3) Accountability.

Mr. Carriveau stated that up until 5-10 years ago NRTs were an excellent instrument to use for student assessment. With the advent of standards based systems in which we construct tests to match state standards, the whole country has shifted to this emphasis. What we are looking at today is the methodology to be able to actually honor both of those systems but put the emphasis on what kids in Arizona need to know and be able to do, and how we provide something for an accountability system. Mr. Carriveau then reviewed the technical aspects of the program. Mr. Holm presented the proposed timeline with making the transition as transparent as possible being the key.

Communication is necessary and service is a number one responsibility in completing the necessary requirements.

In support of this proposal, the following made comments to the Board:

- 1) Thomas M. Haladyna, Ph.D. spoke from his perspective as a parent, educator and an expert in testing. Dr. Pedicone asked how 20 items in this case are going to serve a similar if not the same function that a much larger and much more expansive NRT. Dr. Haladyna explained the item response theory and how it

allows them to link items from the AIMS test, which are very highly correlated to the SAT9 tests, and use that information to help estimate what the total score on the NRT would be if they used all the items. By using this statistical theory and by linking the AIMS to SAT subsets a comparison can be made with high predictability and the score estimated on the full scale NRT. Most of the data will be available in the '05 year.

- 2) Jay Midyett, Ph.D., Accountability and Research, Tucson Unified School District. On behalf of TUSD, Dr. Midyett gave the district's endorsement of the Embedded AIMS plan for testing. He listed three main issues that came out of TUSD's discussions:

- a. One less testing administration
- b. What will happen to the AIMS scores.
- c. What will happen to the NRT scores.

Dr. Midyett recommended that if this is adopted a formalized timeline is needed as well as support for the classroom teachers. Ms. Hilde asked how this program could work with the small and/or rural schools. Dr. Midyett recommended that a certain amount of impetus be placed on the ADE in this respect to insure enough support documentation and training is provided for teachers. Superintendent Horne added that an essential part of Mr. Holm's presentation is that the ADE accepts this as a major responsibility as part of this program and the service orientation aspect to it and that it will communicate very well with all districts, especially the smaller districts. Dr. Pedicone echoed this concern and the need to support a quality assessment program with all the things we need so we are not catching up in a recovery mode.

- 3) Alex Duran, Ph.D., Director of Research Assessment Evaluation, Sunnyside Unified School District, stated that their district also supports this program and feels that the benefits far outweigh anything else on the table. Dr. Pedicone asked if item level data for individual students would be available? Dr. Duran explained that the roles of the information we currently receive are going to be flip-flopped to where the richness of the information that we receive via AIMS is going to be enhanced and is going to come at the slight expense of the information that we currently receive on the SAT9. The contention is that this is going to be a positive trade-off.

A concern is that the testing company may take too long to return test results and Mr. Cariveau assured the Board that the RFP will include a requirement of approximately 20-30 days allowance for those results to be submitted.

Superintendent Horne added that when we get to computerized testing, the results will be immediate. This is being pilot-tested in Tucson because they have enough computers and any other district that has enough computers may also participate in the pilot test.

- 4) Dr. Mark Joraanstad, Director of Student Services, Glendale Elementary School District and Chair, Arizona Assessment Collaborative identified the following positive aspects of the proposal:

- a. Preserves instructional time,
- b. Preserves resources,
- c. Provides better information,
- d. Maintains consistency in accountability system, and
- e. Compliance with federal laws.

- 5) Mr. John Wright, Vice President, Arizona Education Association stated that:

- a. Concept holds great potential,

- b. Increases time for on-task learning,
 - c. Alignment of assessment and instruction is provided, and
 - d. Efficiency is increased and makes this a more systemic system.
- 6) Mr. Kelly Powell, Director of Student Achievement, Madison Elementary School District stated that the Board should consider:
- a. This provides more efficient testing,
 - b. Consider having multiple NRT forms to insure security and preservation of scale much like the AIMS tests,
 - c. Base ultimate scale of use for MAP on a combined scale, and
 - d. Concerns over various accommodations need to be handled.
- 7) Ms. Susan Carlson, Executive Director, Arizona Business and Education Coalition asked the following issues be considered while expressing general support:
- a. Will there still be the ability for comparisons from state to state,
 - b. Are we staying the course or is this too much too fast, and
 - c. Would a field test not be appropriate.

Dr. Cariveau responded that comparison of the student to the national percentile rank will still exist and that only 26-28 states use the current NRT so those are the only comparisons that can be used in a state-to-state comparison now.

Dr. Crow commented in moving forward in this course correction the Board should take particular care to have focused periodic reviews probably above that which is already ensconced in the organization to make sure we know where we are headed. Only 4 of the 18 listed states that are moving in this direction are superior performing states. Dr. Crow reminded everyone that this process is not a solution but a simple indicator. Only 4.3% of all Arizona students taking SATs or ACTs score in the upper 80% and this is another indicator to be included.

Superintendent Horne requested that a monthly report by Mr. Holm be included in all upcoming meeting agendas. In addition, Superintendent Horne agreed with the comment about students not scoring at high levels on the national tests, which is the reason the Board began measuring the number of students that exceed standards.

- 8) Gregg Ostro, father of two children in Horizon and Copper Canyon Schools and two older children in Arizona colleges addressed the Board with the following:
- a. Noted a recent erosion in resources for schools,
 - b. Testing is a way to know how our kids are doing, and
 - c. He favors one combined test to be more time efficient.

Dr. Diethelm stated he is reasonably satisfied that the small sample point estimate is going to be reasonably accurate. He expressed concern regarding data that will be dropping all SAT9 data one year and be totally dependent on the AIMS break down the next year. Other concerns are operational and implementation issues and NAEP. As a long-term issue, perhaps more should be done with NAEP. Dr. Diethelm also suggested an alteration in the timeline to include '04 as usual, '05 field testing of 10%-20% in selected schools/districts and '06 given good experiences in '05, go full scale. This would give the following advantages:

- 1) Work through the operational issues,
- 2) Time to train the teachers,
- 3) Give parallel data for at least a year,
- 4) Time to insure all stakeholders are okay, and
- 5) Address our law stipulation that our tests are “standardized”, “multi-state”, and “comparable.”

Dr. Cariveau's response is that the possibility of failure is nearly nil. It is not a new system, but an improved and better system. Between the ADE and the state contractor no surprises are expected. This is just a matter of shifting the emphasis.

Superintendent Horne also responded to the suggestion of a year's delay and read a quote from an editorial, which he agreed with, that was published last Sunday: "Testing is eating up precious teaching time in our kids' classrooms. The AIMS test and the Stanford 9 blast a two-week hole into the school year every spring. State Superintendent of Schools Tom Horne has an answer that seems so obvious that it would never qualify for a standardized test: Make them into one examination." Superintendent Horne explained that if the proposal is adopted there will still be another full year where students have two full weeks of testing. Going through two full years of two-week testing would not be good educational policy. Superintendent Horne recommends to avoid danger of problems in implementation of this proposal, we take seriously the commandment from this Board to report monthly details of what is happening and perhaps put into the request for proposal a fall-back so that if something goes wrong we would give the two tests in '05.

Dr. Pedicone pointed out the importance of this decision and his desire to not be part of decisions that are short term but instead be part of a State Board that makes decisions for the long term. His observations are:

- 1) It is time to make a decision based on a long-range vision,
- 2) NAEP, and
- 3) How this will impact school labels.

Dr. Carriveau pointed out that the long-term vision is to continue to put the emphasis on the standards-based information that matches the standards-based instruction. Information and responses to items will be given to teachers. The ADE will also look into NAEP as suggested earlier.

Dr. Pedicone asked what this will look like in five years because having a clear vision of where we are going will help us get there. Dr. Carriveau suggested that in the monthly reports more sub-sets of information can be included.

Mr. Holm reminded the members that NCLB mandates grades 3-8 testing. The basic question is that of timing so this proposal asks for one year (2005) to make the adjustments needed and also to prevent any inconsistency. This test will yield the results needed but the responsibility for the policy regarding this proposal lies with this Board.

Ms. Hilde is supportive of reducing time and expense, but expressed concern regarding the processes by which we implement and get the word out to the population and teachers and build a specific timeline that gives easy access to participants. She asked that the RFP gives us timely responses from testing companies and is highly specific in our requirements and expectations. Mr. Holm assured the Board that the timeline will be extended.

Ms. Bittner mentioned challenges in the smaller schools that have no specialists, children who speak more than one language, and no mentor teachers. Everyone needs an opportunity to understand what is going to happen before it happens. Mr. Holm assured the Board that they will be glad to go to any of the schools any time a request is made.

Superintendent Horne agrees with Dr. Pedicone's concern that the people do not want a moving target. As we go along we find things that can be improved and we need to find a balance in the improvement process, not making a moving target, so the schools know what we are asking of them. This decision does not affect the accountability system.

Ms. Kasper joined in by telephone at this time.

Motion by Superintendent Horne that the Board approve the State of Arizona move to a Norm Referenced Embedded AIMS Test. Seconded by Ms. Bittner.

Dr. Diethelm reiterated that relative to the timeline, prudence and due diligence dictates that we do a field test rather than full implementation. After further discussion, Dr. Diethelm made a substitute motion that we authorize the release of an RFP for the purpose of the Embedded AIMS and other issues that are appropriate with the stipulation that the timeline include a field test in the year 2005 and final implementation in the year 2006 assuming the field test is good.

Superintendent Horne reminded the Board of an earlier discussion regarding a substitute motion as part of the rules indicating that substitution. Ms. Farley clarified that the first motion needs to be

moved and seconded and then a substitute motion can be made and must be seconded. Mr. Holm expressed his concern regarding the timeline for the accountability and consistency purposes.

Ms. Basha called attention to the motion that is on the table, asking for a second. Ms. Bittner seconded.

Further discussion continued regarding the format of the test and what influence this would have on the consistency of the model.

Superintendent Horne then proposed a substitute motion that an RFP be issued to call for proposals both ways and that the Board have an opportunity at a subsequent meeting, perhaps in January, to make the choice after more information and more discussion. Seconded by Dr. Pedicone.

Dr. Crow added that the RFP have a component that there be no delay in getting the results to superintendents and principals.

Ms. Epstein recommended reviewing the options of the motions since Ms. Kasper was not available by telephone for part of the conversation; Superintendent Horne reiterated the motions on the table. Ms. Hilde asked if the RFP can be distributed to Board members before it is released. Ms. Epstein cautioned that members would not be able to have discussion among themselves but could return individual comments to staff. Mr. Holm stated they would be glad to present a draft to members for review and comment.

Clarification was made by Superintendent Horne stating we would not have responses to the RFP by January. The motion on the table is to issue the RFP both ways (full implementation in 2005 or pilot in 2005 with full implementation in 2006 if pilot is successful) then the Board can choose after further information and discussion if it wishes to set the timeline at the January meeting. If the Board wishes at that time to wait until a subsequent month when the results come in, it can do that as well. The motion is that the Board will decide the timeline at a subsequent meeting as early as January or later if the Board determines to do that, but the RFP would call for the companies to respond under both scenarios.

Motion carries. Dr. Diethelm voted no. No further discussion.

H. Presentation, Discussion and Possible Consideration to Approve Notice of Final Rulemaking for R7-2-306 Regarding English Language Learners.

Ms. Farley presented what has gone through several renditions of rulemaking with modifications to include Proposition 203 and NCLB, as well as two rounds of supplemental rulemaking with dialogue from stakeholders. Ms. Farley is presenting the recommended notice of final rulemaking. Included are three areas from public comment, which are identified in bold. (Please see materials and chart in packet)

Incorporating public comment would be somewhat risky and possibly cause further delay in implementing the rules. Ms. Farley recommended at this time to move forward to get rules in place and only adopt one change to avoid further delay. The recommendation on the first page is important to include insuring compliance with NCLB and federal law. At the bottom of the chart, two options are listed, with the second option being the most clear language, and Ms. Farley recommends making that modification in the notice of final rulemaking and delaying the two other changes with some regret to a new rulemaking process in order to try to make sure these rules proceed in the quickest timeframe possible. Further discussion ensued regarding input and opinions from the Attorney General's office. Ms. Farley pointed out that there is nothing in place at this time, while the Department is providing monitoring services to school districts using these rules as guidelines, therefore it is important that as a Board we move forward to put rules in place. Motion to approve R7-2-306 with the identified recommended modification accepted to R7-2- 306C4. Dr. Pedicone seconded the motion. *Motion passes.*

I. Presentation, Discussion and Consideration to Approve Notice of Proposed Rulemaking for

R7-2-1117 Regarding Alternative Project Delivery Methods for Procuring School Construction Pursuant to A.R.S. §15-213(J).

Ms. Farley presented the most up-to-date draft of these rules. These forms of procurement are drafted to be project specific and the steps that are included require that a decision to use one of these alternate methods of school procurement must go before the governing board so that school districts, superintendent and construction managers must justify the benefit for using these alternate forms of procurement. These steps were put in place to insure that there is a formalized process that safeguards districts in the procurement process and assist in maintaining compliance with the USFR. (Please see packet materials for details). *No action necessary.*

J. Presentation, Discussion and Consideration to Approve Granting Conditional Two-Year Approval for Teacher Preparation Programs from the Following Institutions:

1. College of Humanities and Sciences
2. Arizona State University - East
3. Western Governor's University

Ms. Julie Gasaway, Education Grants Manager, Arizona Department of Education, represented Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, noting that the College of Humanities and Sciences has pulled their request at this time leaving two remaining schools for Board consideration. Ms. Gasaway explained the process used for scoring utilizing the rubric developed by the committee. The committee came to a consensus on the scoring, which is included in the packet of materials supplied for the Board. The committee recommends that ASU East be granted conditional approval for an institutional recommendation, a two-year approval. The committee is not recommending that Western Governor's University be given approval at this time; they will have an opportunity to re-apply at a later date.

Some discussion ensued regarding teacher preparation and lesson plan training. Ms. Hilde commented that if 50% of new teachers are from out of state, and the Arizona teacher standards and content standards are tied to student standards, it would be interesting to follow up on those concerns. Are they Arizona trained? If not, the workshops are crucial. Superintendent Horne expressed that he is extremely impressed with ASU East. Ms. Bittner offered the services of the County Superintendent and the educational service agencies and requested a contact person to assist rural schools. Ms. Gasaway requested that the Board give conditional approval to ASU East. Motion by Ms. Bittner. Seconded by Dr. Diethelm. *Motion passes.*

K. Consideration to Withhold 10% of State Aid from the Following Schools for Noncompliance with State Law for Failure to Submit their Annual Financial Report:

Ms. Farley stated that the State Board of Charter Schools has finished action on finding the listed Charter schools in non-compliance with submitting their annual financial report and has recommended that this Board approve withholding 10% for that non-compliance. The list of non-compliant schools has changed since it was posted, with a significant decrease. The list is as follows: State Board of Education Sponsored Charter Schools:

- a. Career Success Schools
- b. Kachina Country Day School
- c. New Century Academy, LLC
- d. Omega Schools dba Omega Academy, Inc.
- e. Terra Rosa Charter School
- f. Visions Unlimited Academy, Inc.

State Board for Charter Schools Sponsored Charter Schools:

- a. Academy of Hope
- b. Accelerated Learning Laboratory, Inc.

- c. Center for Creative Education, Inc.
- d. Classical Kids Academy
- e. Ecotech Academy of Science and Agriculture
- f. Northern Arizona Academy for Career Development

Dr. Diethelm moved that the State Board of Education determine the previously named schools are not in compliance because they have failed to timely submit their annual financial report and the Board should withhold 10% of their monthly apportionment state aid. Dr. Diethelm then reiterated the list of 12 schools as given by Ms. Farley. Motion seconded by Ms. Hilde. *Motion passes.*

- L. Presentation and Discussion of Board Responsibilities Under AZ READS statute, A.R.S. § 15-704, including Defining "Motivational Assessment" and "Intensive Reading Instruction."

Ms. Marie Mancuso, School Effectiveness Division, Arizona Department of Education, referred members to the handout included in the packet as well as an additional handout provided at the meeting. AZ READS legislation forms the foundation of our state's initiative to insure that children learn to read no later than the third grade and remain proficient readers through the twelfth grade. Two sub-sections of this legislation require definition by the State Board. Sub-section A refers to the selection and use of K3 assessments and sub-section D to the provision of intensive instruction for children who do not meet the standard in reading at the third grade. A task force has been established to bring recommendations to the State Board at the March 2004 meeting for consideration. (Please see handout with highlights in blue). Also included is a list of proposed task force members. *No action necessary.*

Motion to adjourn by Dr. Diethelm. Motion seconded by Ms. Hilde. Meeting adjourned at 2:40PM.